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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,653	05/28/1999	KIM L. RICHARDSON	6279.002/DHE	8325

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ATG

Office Action Summary

Application No.

09/322,653

Applicant(s)

RICHARDSON, KIM L.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 24-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The Information Disclosure Statements of 1/30/99 and 1/25/02 have been received and fully considered.

Claims 1-3 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: Claim 1 calls for an “unassigned template” but then states that the template is “corresponding to a deceased person”. If a template is “unassigned”, how can it correspond to a deceased person?

Claim 2: In line 2, the phrase “the main website” lacks antecedent basis.

Claim 3: Rejection applied due to dependency on claim 2.

Claim 24: In line 3, the phrase “associated with a funeral home website” is indefinite. It is not clear what would or would not constitute an “association”. In lines 3-4, the phrase “the funeral home main website” lacks antecedent basis. In part c, line 1, the phrase “can be prepared” is indefinite, since it is not clear whether this phrase is positively reciting a method step, or only reciting an optional step.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angels Online in view of Official Notice.

The reference entitled Angels Online is a set of screen shots from an operating website located at the Internet address www.angelsonline.com. The reference relied upon by the Examiner is defined by 11 screen shots, with each screen shot page being numbered in the lower right hand corner of the page. Page 1 indicates a copyright date of 1997, and page 2 indicates operation of the website prior to March of 1998. Accordingly, the pages which are relied upon by the Examiner constitute applicable prior art.

Claim 1: Pages 1-11 as provided define a website. The intended usage of the website by a funeral home is not attributed patentable weight. The website includes a first set of pages having unassigned templates for entering information, as shown on pages 5-7. The website includes a second set of pages having assigned templates (pages 9-11) that correspond to specific deceased individuals.

Angels Online differs from claim 1 in that it does not refer to any specific usage of password access. However, Examiner takes Official Notice that it is very well known in the art to control access to a conventional desktop computer by requiring the entry of a password during the Login procedure. This requirement is applicable to many different types of users within the Internet, including both individuals who browse web pages and webmasters who create and edit web pages.

It would have been obvious to one of ordinary skill in the art to access the first set of pages and the second set of pages by requiring the user to enter a password during the computer login procedure, as is well known in the art for protecting access to specific computer terminals. Different users who access the Angels Online website will clearly be using different passwords.

Claim 2: Page 2 of the Angels Online document defines a Director's Page. The page is accessed from the main website (page 1) using the hyperlink "About Angels Online". From the Director's Page (page 2), a hyperlink (the "back" radio button) will take the user back to the main website page (page 1) from which the user can click the "Submission Form" radio button and access blank templates (pages 5-7).

Claim 3: Any one of pages 5-7 constitute unassigned templates, and any one of blank fields shown on pages 5-7 can be read as "second blank fields".

Claim 4: See remarks for claim 1.

Claim 5: No patentable weight is attributable to the nature of the individuals who possess passwords. The invention is directed a website in cyberspace. The nature of the individuals who interact with that website carries no patentable weight.

Claim 6: See page 2 of Angels Online.

Claim 7: Pages 5-7 are unassigned templates.

Claim 8: See remarks for claim 2.

Claim 9: Pages 9-11 are assigned templates.

Claim 10: The assigned templates (pages 9-11) include the names of individuals.

Claim 11: The assigned template on pages 9 and 11 define a date of birth and a date of death.

Claim 12: Any portion of the content within the assigned templates constitute a funeral announcement.

Claim 13: The assigned templates include biographical narratives.

Claim 14: The unfilled templates are pages 5-7. The filled templates are pages 9-11.

Claim 24: See remarks for claim 1. Also note that the nature of individuals who provide passwords (i.e. funeral director) and the intended physical location of a computer (i.e. funeral home workstation) carries no patentable weight.

Claim 25: The reference to Angels Online calls for a website. A website is inherently associated with a web server with the structure of the Internet. The memorial sites associated with the web site are accessible on-line via computer workstation. In the case of Angels Online, the data used for preparing a website is entered by a user. The data entered by the various users can be used to create a new web page containing the memorial.

Angels Online differs from claim 25 in that it does not describe the usage of passwords. However, Examiner takes Official Notice that usage a password to control access to specific web pages is very well known in the art. Password access to specific site pages is commonly used in banking and financial websites, where a user can enter the website, but must a enter a password to change user specific data, such as making electronic deposits, trading stocks, or transferring funds.

It would have been obvious to one of ordinary skill in the art to provide password protection to specific web site pages (such as data entry pages 5-6) within the Angels Online website so as to permit only an authorized user to edit information located on site pages belonging to specific individuals.

Other pages of the website, such as the main page (page 1) and the memorial pages (pages 9-11) are viewable without a password.

Claim 26: The website of Angels Online permits multiple users to create multiple memorial sites.

Claim 27: Given the multiple individuals can gain access to the Angels Online website, it would have been an obvious duplication to develop multiple passwords to permit controlled access to the websites.

Claim 28: Page 5 indicates types of preliminary information that an authorized user can enter, such as zip code, phone number and e-mail address. Any of these types of information can be read as "account information".

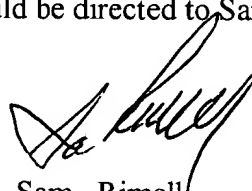
Claim 29: See remarks for claim 25.

Claim 30: See pages 9-11.

Claim 31: The intended physical location of a computer (i.e. funeral home), as well as the nature and occupation of an individual who operates a computer (i.e. funeral director) carries no patentable weight.

Claim 32-34: The nature of individuals (i.e. "family" or "funeral director") who possess a password carries no patentable weight. Any individuals who do possess passwords can access and edit website data.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175